

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

<p>IN RE:</p> <p>AT&T COMMUNICATIONS OF THE MIDWEST, INC.,</p> <p style="text-align: center;">Complainant,</p> <p style="text-align: center;">v.</p> <p>IOWA TELECOMMUNICATIONS ASSOCIATION, et al.,</p> <p style="text-align: center;">Respondents.</p>	<p style="text-align: right;">DOCKET NO. FCU-02-14 (RMU-02-8)</p>
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ORDER SUSPENDING SCHEDULE

(Issued September 19, 2002)

On July 12, 2002, AT&T Communications of the Midwest, Inc. (AT&T), filed with the Utilities Board (Board) a complaint and a petition for rule making. AT&T complained that the intrastate access charges of certain independent local exchange carriers (the Independents) are not just, reasonable, and nondiscriminatory and are therefore unlawful. AT&T alleged the Board has jurisdiction of the complaint pursuant to Iowa Code §§ 476.3 and 476.11 (2001) and of the petition for rule making pursuant to Iowa Code § 17A.7. On August 2, 2002, AT&T filed its first amended complaint and petition for rule making.

By order, issued August 21, 2002, the Board set a deadline of September 23, 2002, for answers or motions responding to the complaint.

On August 20, 2002, Interstate 35 Telephone Company, d/b/a Interstate Communications, and Southwest Telephone Exchange Inc., d/b/a Interstate Communications (collectively "Interstate"), filed a petition for declaratory order requesting that the Utilities Board (Board) declare that the exemption from rate regulation for incumbent local exchange carriers having fewer than 15,000 customers and fewer than 15,000 access lines contained in Iowa Code § 476.1¹ is not impaired or adversely impacted by § 476.11. Further, Interstate requested the Board confirm that rates for exchange access services provided by carriers having fewer than 15,000 customers and fewer than 15,000 access lines are exempt from rate regulation pursuant to § 476.1. That petition has been docketed as Docket No. DRU-02-4.

The Board has set a schedule for interested parties to file position statements, with legal argument and support, in Docket No. DRU-02-4. The Board has determined that a determination of the scope of its jurisdiction in Docket No. DRU-02-4 prior to setting a procedural schedule in this docket is a more expeditious use of its resources. Therefore, the deadline for filing answers or responsive motions to AT&T's Complaint is indefinitely suspended.

¹ All references will be to the Iowa Code (2001) unless otherwise indicated.

IT IS THEREFORE ORDERED:

The date previously set by the Board in its August 21, 2002, order, for filing of answers or motions responsive to AT&T's first amended complaint, is suspended until further ordered by the Board.

UTILITIES BOARD

/s/ Diane Munns

/s/ Mark O. Lambert

ATTEST:

/s/ Judi K. Cooper
Executive Secretary

/s/ Elliott Smith

Dated at Des Moines, Iowa, this 19th day of September, 2002.